

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EUGENIA MILEYKOVSKAYA

Plaintiff,

v.

DAVID R. DUNCAN and
DENOS TRUCKING, LLC

Defendants.

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Civ. A. No.: 4:17-cv-1531

INDEX OF MATTERS BEING FILED

As required under Local Rule 81, the following is an index of the documents being filed with Defendants' Notice of Removal in this action:

1. Plaintiff's Original Petition;
2. Plaintiff's First Amended Petition and all executed citations;
3. Defendants' Original Answer and Jury Demand;
4. Defendants' Objection to Plaintiff's Rule 193.7 Notice;
5. Copy of the State Court Docket Sheet;
6. This Index of Matters Being Filed; and
7. A List of Counsel, including addresses, telephone numbers, and parties represented.

The state court from which this case is being removed has not signed any orders in this case as of the date of removal.

NO. _____

EUGENIA MILEYKOVSKAYA

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§
§

IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

DAVID R. DUNCAN AND
DENOS TRUCKING, LLC

____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

Plaintiff Eugenia Mileykovskaya complains of Defendants David R. Duncan and Denos Trucking, LLC and shows the following:

Discovery Plan

1. Plaintiff requests discovery to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedures.

Parties

2. Plaintiff Eugenia Mileykovskaya (TXDL#xxxxxx415 and SS#xxx-xx-x965) is a resident citizen of Pearland, Harris County, Texas.
3. Defendant David R. Duncan is a resident citizen of Washington, Tazewell County, Illinois and may be served with process by serving him through his employer's address located at 12216 Cheryl Court Street, St. Louis, Missouri 63128.
4. Defendant Denos Trucking, LLC is a Missouri Limited Liability Corporation duly authorized to do business in the State of Texas and may be served by serving its registered agent David Duncan located at 12216 Cheryl Court Street, St. Louis, Missouri 63128.

Venue

5. Venue is proper in Harris County, Texas because the cause of action occurred in Harris County, Texas.

Facts

6. On December 23, 2016, Plaintiff was traveling Northbound on Highway 288 when Defendants failed to drive in a single lane and struck Plaintiff. Plaintiff received serious injuries as a result.
7. This suit is brought in accordance with the laws of the State of Texas for the recovery of damages that Plaintiffs are justly entitled to receive as compensation for the severe personal injuries sustained in an incident that occurred on the 23rd day of December 2016 in Harris County, Texas. Plaintiff's injuries and resulting damages were brought about to occur, directly and proximately, by reason of the Defendants' negligence.
8. At the time of the incident, the individual involved in the control of the vehicle that made the basis of this lawsuit was an employee of Defendant Denos Trucking, LLC. The acts of negligence committed by the employee arose directly out of and was done in prosecution of the business that he was employed to do by their employer, who is therefore liable under the *Doctrine of Respondeat Superior* for the negligent actions of its employees.

Allegations

9. The Plaintiff's injuries and resulting damages were directly and proximately caused by the negligence of Defendants by:
 - A. Failing to drive in a single lane;
 - B. Failing to maintain a proper lookout;
 - C. Failing to maintain proper control of Defendants' vehicle; and
 - D. Failing to turn the vehicle to avoid the collision.

Damages

10. As a result of Defendants' conduct, Plaintiff was severely injured. Plaintiff therefore seeks to recover those damages provided by law, which include:
- a. Physical pain and mental anguish in the past, including the element of loss of enjoyment of life;
 - b. Physical pain and mental anguish in the future, including the element of loss of enjoyment of life;
 - c. Physical impairment in the past, including the element of loss of enjoyment of life;
 - d. Physical impairment in the future, including the element of loss of enjoyment of life;
 - e. Loss of earning capacity in the past;
 - f. Loss of earning capacity in the future;
 - g. Medical expenses in the past; and
 - h. Medical expenses in the future.
11. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, this claim seeks only monetary relief of over \$100,000 but not more than \$200,000.

Documents

12. Plaintiff hereby gives actual notice to each party that any and all documents produced during discovery may be used against the party, and may produce the document at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the document. This notice is given pursuant to Rule 193.7 of the Texas Rules of Civil Procedure.

Demand for Jury

13. Plaintiff demands a trial by jury.

Prayer

Plaintiff requests that Defendants be cited to appear and answer, and that upon final trial, Plaintiff have judgment against Defendants for the full amount of her damages, with pre-judgment interest and post-judgment interest, for costs of Court, and for such other and further relief, special and general, at law and in equity, to which she may be entitled.

Respectfully submitted,

BY: 

BRIAN L. JENSEN, #10643600

B. L. JENSEN, L.P.

6750 West Loop South, Suite 800

Bellaire, Texas 77401

(713) 224-5500

(713) 665-6818 Facsimile

bjensen@bjensenlaw.com

Attorney for Plaintiff

NO. 2017-08660

EUGENIA MILEYKOVSKAYA	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
DAVID R. DUNCAN AND	§	
DENO'S TRUCKING, LLC	§	80 th JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION

Plaintiff Eugenia Mileykovskaya complains of Defendants David R. Duncan and Deno's Trucking, LLC and shows the following:

Discovery Plan

1. Plaintiff requests discovery to be conducted under Level 3 of Rule 190 of the Texas Rules of Civil Procedures.

Parties

2. Plaintiff Eugenia Mileykovskaya (TXDL#xxxxxx415 and SS#xxx-xx-x965) is a resident citizen of Pearland, Harris County, Texas.
3. Defendant David R. Duncan is a resident citizen of Washington, Tazewell County, Illinois, more specifically 9 Plymouth Court, Washington, Illinois 61571 and may be served through the Chairman of the Texas Transportation Commission, Tryon D. Lewis at 125 E. 11th Street, Austin, Texas 78701, as Defendant's agent for service because Defendant was a party to a collision or an accident while operating a motor vehicle in Texas.
4. Defendant Deno's Trucking, LLC is a Missouri Limited Liability Corporation duly authorized to do business in the State of Texas with its registered agent David Duncan located at 12216 Cheryl Court Street, St. Louis, Missouri 63128 and may be served through the Chairman of the Texas Transportation Commission, Tryon D. Lewis at 125

E. 11th Street, Austin, Texas 78701, as Defendant's agent for service because Defendant was a party to a collision or an accident while operating a motor vehicle in Texas.

Venue

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Facts

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 - c. Physical impairment in the past, including the element of loss of enjoyment of life;
 - d. Physical impairment in the future, including the element of loss of enjoyment of life;
 - e. Loss of earning capacity in the past;
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 - g. Medical expenses in the past; and
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Respectfully submitted,

BY: 

BRIAN L. JENSEN, #10643600

B. L. JENSEN, L.P.

6750 West Loop South, Suite 800

Bellaire, Texas 77401

(713) 224-5500

(713) 665-6818 Facsimile

bjensen@bjensenlaw.com

Attorney for Plaintiff

CIVIL PROCESS REQUEST

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: 2017-08660 CURRENT COURT: 80th

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): Plaintiff's First Amended Petition

FILE DATE OF MOTION: _____
Month/ Day/ Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: David B. Duncan

ADDRESS: _____

AGENT, (if applicable): Tryon D. Lewis, Chairman, Texas Transportation Commission

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation 125 E. 11th Street
Austin, Texas 78701-2483

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL

☒ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☐ OTHER, explain _____

2. NAME: Deno's Trucking, LLC

ADDRESS: _____

AGENT, (if applicable): Tryon D. Lewis, Chairman, Texas Transportation Commission

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): Citation 125 E. 11th Street
Austin, Texas 78701-2483

SERVICE BY (check one):

☐ ATTORNEY PICK-UP

☐ CONSTABLE

☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____

Phone: _____

☐ MAIL

☒ CERTIFIED MAIL

☐ PUBLICATION:

Type of Publication:

☐ COURTHOUSE DOOR, or

☐ NEWSPAPER OF YOUR CHOICE: _____

☐ OTHER, explain _____

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: Brian L. Jensen TEXAS BAR NO./ID NO. 10643600

MAILING ADDRESS: 6750 West Loop South Ste 800, Bellaire TX 77401

PHONE NUMBER: (713) 224-5500 FAX NUMBER: (713) 665-6818
area code phone number area code fax number

EMAIL ADDRESS: bjensen@bjensenlaw.com

7015 3430 0000 0851 9350

p.2

CAUSE NO. 201708660

RECEIPT NO.

75.00

CTM

TR # 73363733

PLAINTIFF: MILEYKOVSKAYA, EUGENIA

vs.

DEFENDANT: DUNCAN, DAVID R

In The 80th
Judicial District Court
of Harris County, Texas
80TH DISTRICT COURT
Houston, TX

CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS
County of HarrisTO: DUNCAN, DAVID R BY SERVING
THE TEXAS TRANSPORTATION COMMISSION - TRYON D LEWIS
125 E 11TH ST AUSTIN TEXAS 78701-2483
FORWARD TO

9 PLYMOUTH COURT WASHINGTON IL 61571

Attached is a copy of PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION**FILED**Chris Daniel
District Clerk

APR 18 2017

Time:

Harris County, Texas

By

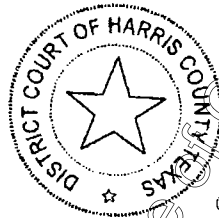
Deputy

This instrument was filed on the 11th day of April, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 18th day of April, 2017, under my hand and seal of said Court.

Issued at request of:JENSEN, BRIAN L.
6750 WEST LOOP SOUTH, STE 800
BELLAIRE, TX 77401
Tel: (713) 224-5500
Bar No.: 10643600

CHRIS DANIEL, District Clerk

Harris County, Texas

201 Caroline, Houston, Texas 77002

(P.O. Box 4651, Houston, Texas 77210)

Generated By: TAYLOR, SHANELLE L 3VT//10657914

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____ M., on the _____ day of _____, _____.

Executed at (address) _____ in

_____ County at _____ o'clock ____ M., on the _____ day of _____,

_____, by delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the _____ Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, _____.

FEE: \$ _____

_____ of _____ County, Texas

By _____ Deputy

Affiant

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____, _____.

Notary Public

CAUSE NO. 201708660

RECEIPT NO.

75.00

CTM

TR # 73363733

PLAINTIFF: MILEYKOVSKAYA, EUGENIA

vs.

DEFENDANT: DUNCAN, DAVID R

In The 80th
Judicial District Court
of Harris County, Texas
80TH DISTRICT COURT
Houston, TX

CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS
County of HarrisTO: DUNCAN, DAVID R BY SERVING
THE TEXAS TRANSPORTATION COMMISSION - TRYON D LEWIS
125 E 11TH ST AUSTIN TEXAS 78701-2483

FORWARD TO

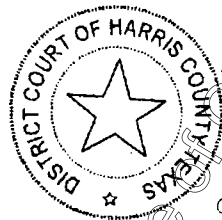
9 PLYMOUTH COURT WASHINGTON IL 61571

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Issued at request of:JENSEN, BRIAN L.
6750 WEST LOOP SOUTH, STE 800
BELLAIRE, TX 77401
Tel: (713) 224-5500
Bar No.: 10643600*Chris Daniel*CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: TAYLOR, SHANELLE L 3VT//10657914

OFFICER/AUTHORIZED PERSON RETURN

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FEE: \$ _____

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Affiant

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SWORN TO AND SUBSCRIBED BEFORE ME, on this ____ day of _____, _____.

Notary Public

PI

2017. 08660
80th Court

FILED

Chris Daniel
District Clerk

APR 25 2017

Time:

Harris County, Texas

By:

Bonnie Lugo

U.S. Postal Service™ 2017-03660
CERTIFIED MAIL® RECEIPT 80th
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL U.S. RECEIVED

Certified Mail Fee

\$

3.35

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy)

☐ Return Receipt (electronic)

☐ Certified Mail Restricted Delivery

☐ Adult Signature Required

☐ Adult Signature Restricted Delivery

Postage

\$

1.10

Total Postage

\$

4.50

Sent To

Street and Apt

City, State, Z

DUNCAN, DAVID
C/O: THE TEXAS TRANSPORTATION COMMISSION
TRYON D LEWIS
125E 11TH ST
AUSTIN TEXAS 78701-2483

SAM HOUSTON P.O.
APR 20 2017
HOUSTON, TX 77002

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

2017-08660
80th Court


PI

FILED

Chris Daniel
District Clerk

MAY 09 2017

Time:
By: Bonnie Lugo
Deputy
Bonnie Lugo

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>X</u> <u>Randall Tol</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Randall Tol</u> Date of Delivery <u>MAY 25 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>2017-08660 80th</p> <p>DUNCAN, DAVID C/O: THE TEXAS TRANSPORTATION COMMISSION - TRYON D LEWIS 125E 11TH ST AUSTIN TEXAS 78701-2483</p> <p></p> <p>9590 9402 1973 6123 3812 26</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 3430 0000 0851 9350</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	

RECORDER'S MEMORANDUM

This instrument is of poor quality
at the time of imaging

P2

CAUSE NO. 201708660

RECEIPT NO.

75.00 CTM
TR # 73363746

PLAINTIFF: MILEYKOVSKAYA, EUGENIA
vs.
DEFENDANT: DUNCAN, DAVID R

In The 80th
Judicial District Court
of Harris County, Texas
80TH DISTRICT COURT
Houston, TX

CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS
County of Harris

TO: DENOS TRUCKING LLC (CORPORATION) BY SERVING
THE TEXAS TRANSPORTATION COMMISSION - TRYON D LEWIS
125 E 11TH ST AUSTIN TEXAS 78701-2483
FORWARD TO ITS REGISTERED AGENT DAVID DUNCAN
12216 CHERYL COURT STREET ST LOUIS MO 63128

Attached is a copy of PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

FILED
Chris Daniel
District Clerk
APR 18 2017

Time: _____
By: _____
Harris County, Texas
Deputy

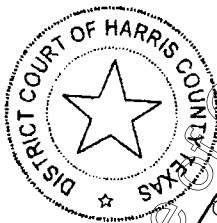
This instrument was filed on the 11th day of April, 2017, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 18th day of April, 2017, under my hand and seal of said Court.

Issued at request of:
JENSEN, BRIAN L.
6750 WEST LOOP SOUTH, STE 800
BELLAIRE, TX 77401
Tel: (713) 224-5500
Bar No.: 10643600



Chris Daniel
CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)
Generated By: TAYLOR, SHANELLE L 3VT//10657914

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock ____ M., on the ____ day of _____,

Executed at (address) _____ in

_____ County at _____ o'clock ____ M., on the ____ day of _____,

_____, by delivering to _____ defendant, in person, a true copy of this Citation together with the accompanying _____ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this ____ day of _____,

FEE: \$ _____

_____ of _____ County, Texas

Affiant By _____ Deputy

On this day, _____, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this ____ day of _____,

Notary Public

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of Imaging

7015 3430 0000 0851 9343

CAUSE NO. 201708660

RECEIPT NO.

75.00

CTM

TR # 73363746

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DEFENDANT: DUNCAN, DAVID R

In The 80th
Judicial District Court
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80TH DISTRICT COURT
Houston, TX

CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS
County of Harris

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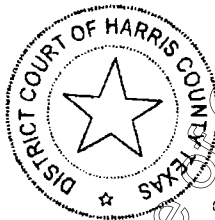
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Bar No.: 10643600



Chris Daniel

CHRIS DANIEL, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002
(P.O. Box 4651, Houston, Texas 77210)

Generated By: TAYLOR, SHANELLE L 3VT//10657914

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_____ of _____ County, Texas

By _____ Deputy

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SWORN TO AND SUBSCRIBED BEFORE ME, on this _____ day of _____,

Notary Public

PI

2017-08660
80th Court

FILED
Chris Daniel
District Clerk

APR 25 2017

Time Harris County, Texas

By Bonnie Lugo
Deputy
Bonnie Lugo

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$ 3.35

Extra Services & Fees (check box, add fees as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ <u>2.75</u>
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage
\$ 1.40

Total Postage
\$ 7.50

Sent To
2017-08660 80th

Street and
City, State, ZIP+4®
DENOS TRUCKING LLC
C/O: THE TEXAS TRANSPORTATION COMMISSION
TRYON D LEWIS
125E 11TH ST
AUSTIN TEXAS 78701-2483

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

RECEIVED
APR 20 2017
Chris Daniel
District Clerk

SAC HOUSTON P.O.
APR 20 2017
HOUSTON, TX 77002

RECORDER'S MEMORANDUM

This instrument is of poor quality
at the time of imaging

2017-08660
80th Court


PI

FILED

Chris Daniel
District Clerk

MAY 09 2017

Time:
By: Bonnie Lugo
Deputy
Bonnie Lugo

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>2017-08660 80th</p> <p>DENOS TRUCKING LLC C/O: THE TEXAS TRANSPORTATION COMMISSION TRYON D LEWIS 125E 11TH ST AUSTIN TEXAS 78701-2483</p> <p></p> <p>9590 9402 1973 6123 3811 72</p> <p>2. Article Number (Transfer from service label)</p> <p>7015 3430 0000 0851 9343</p>	<p>A. Signature <u>Randall Todd</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Randall Todd</u> C. Date of Delivery <u>APR 24 2017</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <table border="0"> <tr> <td> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) </td> <td> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
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PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt		

RECORDER'S MEMORANDUM

This instrument is of poor quality
at the time of imaging

CAUSE NO. 2017-08660

EUGENIA MILEYKOVSKAYA

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

DAVID R. DUNCAN and DENOS
TRUCKING, LLC

80TH JUDICIAL DISTRICT

**DEFENDANTS DAVID R. DUNCAN AND DENOS TRUCKING, LLC'S
ORIGINAL ANSWER**

Defendants David R. Duncan and Denos Trucking, LLC, file this Answer in response to Plaintiff's latest petition and would respectfully show as follows:

1. Pursuant to Rule 92 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants assert a general denial to the allegations in Plaintiff's latest petition.
2. In the alternative, and without waiving the foregoing, Defendants would show Plaintiff Eugenia Mileykovskaya was contributorily negligent and such negligence proximately caused the occurrence in question. Defendants would show the occurrence and any damages sustained by Plaintiff Eugenia Mileykovskaya were the proximate result of her own failure to exercise ordinary care, and such failure constitutes comparative responsibility of at least fifty-one percent (51%). Under the provisions of Section 33.001 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE, Plaintiff Eugenia Mileykovskaya is totally barred from recovery, or in the alternative, her recovery, if any, should be reduced in proportion to the percentage of negligence attributable to Plaintiff Eugenia Mileykovskaya.

3. In the alternative, and without waiving the foregoing, Defendants would show the occurrence in question was proximately caused by the acts and/or omissions of third parties over whom Defendants had no right of control, and for whose acts and/or omissions Defendants are not legally responsible.

4. In the alternative, and without waiving the foregoing, Defendants assert that a new and independent cause intervened between any alleged act or omission by David R. Duncan and/or Denos Trucking, LLC, and that this new and independent cause was a superseding and intervening cause of the injuries claimed by Plaintiff Eugenia Mileykovskaya rather than the original and more remote cause.

5. In the alternative, and without waiving the foregoing, Defendants plead that Plaintiff's damages, if any, for medical or health care expenses are limited by Section 41.0105 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

6. In the alternative, and without waiving the foregoing, Defendants would show that to the extent Plaintiff is seeking recovery for loss of earnings or loss of earning capacity, the limitations of Section 18.091 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE apply.

PRAYER

Defendants David R. Duncan and Denos Trucking, LLC, respectfully pray that upon trial of this case the Court enter judgment in Defendants' favor, that Plaintiff Eugenia Mileykovskaya take nothing by reason of this suit, that Defendants recover their costs incurred herein, and that Defendants receive such further and other relief to which they are justly entitled.

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, P.C.



Aaron Pool

SBN: 16115400

Robert E. Freehill

SBN: 24069023

3200 Southwest Freeway, Suite 2300

Houston, Texas 77027-7525

Phone: 713-877-1112

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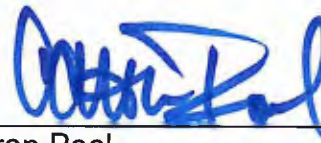
**ATTORNEYS FOR DEFENDANTS
DAVID R. DUNCAN AND
DENOS TRUCKING, LLC**

CERTIFICATE OF SERVICE

I hereby certify that, on the 15th day of May, 2017, a true and correct copy of the above and foregoing has been served by:

☐ certified mail, return receipt requested; ☐ overnight delivery; ☐ hand delivery; ☐ United States first class mail; ☐ facsimile transmission; ☒ electronic transmission on the following counsel:

Brian L. Jensen
B.L. Jensen, L.P.
6750 West Loop South
Suite 800
Bellaire, Texas 77401
713.224.5500
713.665.6818 Facsimile
bjensen@bjensenlaw.com



Aaron Pool

CAUSE NO. 2017-08660

EUGENIA MILEYKOVSKAYA

v.

DAVID R. DUNCAN and DENOS
TRUCKING, LLC

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

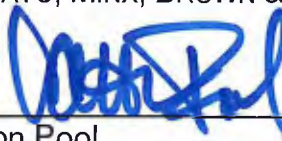
80TH JUDICIAL DISTRICT

**DEFENDANTS DAVID R. DUNCAN AND DENOS TRUCKING, LLC'S
REQUEST FOR JURY TRIAL**

Pursuant to Rule 216 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants David R. Duncan and Denos Trucking, LLC, request a jury trial and tender the required jury fee.

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, P.C.



Aaron Pool
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Robert E. Freehill
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**ATTORNEYS FOR DEFENDANTS
DAVID R. DUNCAN AND
DENOS TRUCKING, LLC**

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Aaron Pool

CAUSE NO. 2017-08660

EUGENIA MILEYKOVSKAYA	§	IN THE DISTRICT COURT OF
	§	
	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
	§	
DAVID R. DUNCAN and DENOS	§	
TRUCKING, LLC	§	80TH JUDICIAL DISTRICT

**DEFENDANTS DAVID R. DUNCAN AND DENOS TRUCKING, LLC'S
OBJECTION TO PLAINTIFF'S RULE 193.7 NOTICE**

TO: Plaintiff, Eugenia Mileykovskaya, by and through her attorney of record, Brian L. Jensen, B.L. Jensen, L.P., 6750 West Loop South, Suite 800, Bellaire, TX 77401.

Pursuant to Rule 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants David R. Duncan and Denos Trucking, LLC, object to Plaintiff's improper attempt, without identifying any specific documents, to generically designate for authentication "documents" produced by any party at the time of trial without the need for further authentication as indicated in Paragraph 12 of Plaintiff's Original Petition. Moreover, Defendants object to the authenticity of any such documents produced that are created by, or originated from, third parties.

To date, no discovery has been conducted and no documents have been exchanged by the parties. Therefore, Plaintiff has not identified any specific documents she intends to use during pre-trial proceedings and at trial as contemplated by Rule 193.7. Though Defendants do not yet know which specific documents Plaintiff intends to use in any pre-trial proceeding or at trial, Defendants file this objection pursuant to Rule 193.7 for the reasons set forth herein.

Defendants object to Plaintiff's generic designation because it does not comply with Rule 193.7. Defendants object to the authenticity of all documents it may produce in discovery that were not generated by Defendants. Further, Defendants may lack the knowledge sufficient to authenticate certain documents on any other basis under the TEXAS RULES OF EVIDENCE. Defendants will work with Plaintiff to reach an agreement, if appropriate, regarding the authenticity of particular documents Plaintiff intends to offer during pre-trial proceedings or at trial if and when Plaintiff properly and specifically identifies such documents.

Respectfully Submitted,

DONATO, MINX, BROWN & POOL, P.C.

/s/Robert E. Freehill

Aaron Pool

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rfreehill@donatominxbrown.com

**ATTORNEYS FOR DEFENDANTS
DAVID R. DUNCAN AND
DENOS TRUCKING, LLC**

CERTIFICATE OF SERVICE

I hereby certify that, on the 16th day of May, 2017, a true and correct copy of the above and foregoing has been served by:

☐ certified mail, return receipt requested; ☐ overnight delivery; ☐ hand delivery; ☐ United States first class mail; ☐ facsimile transmission;
☒ electronic transmission on the following counsel:

Plaintiff's Attorney:

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B.L. Jensen, L.P.
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Bellaire, Texas 77401
713.224.5500
713.665.6818 Facsimile
bjensen@bjensenlaw.com

/s/Robert E. Freehill
Aaron Pool / Robert Freehill

2017-08660

COURT: 080th

FILED DATE: 2/7/2017

CASE TYPE: Motor Vehicle Accident



MILEYKOVSKAYA, EUGENIA

Attorney: JENSEN, BRIAN L.

VS.

DUNCAN, DAVID R

Attorney: POOL, AARON MARK

Docket Sheet Entries

Date

Comment

Unofficial Copy Office of Chris Daniel District Clerk


201708660 - MILEYKOVSKAYA, EUGENIA vs. DUNCAN, DAVID R (Court 080)

 Chronological History
 (non-financial)

 Summary
 Court Costs

 Appeals
 Judgments/Events

 Cost Statements
 Settings

 Transfers
 Services/Notices

 Post Trial Writs
 Court Registry

 Abstracts
 Child Support

 Parties
 Images

* Note: Only non-confidential public civil/criminal documents are available to the Public. All non-confidential Civil documents are imaged. In Family Cases, select non-confidential documents and all e-filings are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). In Criminal Cases, select non-confidential documents are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). **If the case or Civil document you are looking for is not available and should be, please click here to notify Customer Service.**

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Print List



Image No.	Title	[Reset Sort]	Post Jdgm	Date	Pages	Add Entire Case
75101925	Defendants David R. Duncan and Denos Trucking, LLC's Objection to Plaintiffs Rule 193.7 Notice			05/16/2017	3	Add to Basket
75094026	Original Answer			05/15/2017	4	Add to Basket
-> 75094027	Defendants' Request for Jury Trial			05/15/2017	2	Add to Basket
75094026	Original Answer			05/15/2017	4	Add to Basket
-> 75094027	Defendants' Request for Jury Trial			05/15/2017	2	Add to Basket
75033672	Domestic Return Receipt			05/09/2017	1	Add to Basket
75033673	Domestic Return Receipt			05/09/2017	1	Add to Basket
74827496	Certified Mail Receipt			04/25/2017	1	Add to Basket
74827497	Certified Mail Receipt			04/25/2017	1	Add to Basket
74817139	Certified Mail Tracking Number 7015 3430 0000 0851 9350			04/18/2017	2	Add to Basket
74817141	Certified Mail Tracking Number 7015 3430 0000 0851 9343			04/18/2017	2	Add to Basket
74638338	Plaintiffs First Amended Petition			04/11/2017	4	Add to Basket
-> 74638339	Civil Process Request			04/11/2017	1	Add to Basket
73753025	Plaintiff's Original Petition			02/07/2017	4	Add to Basket
-> 73753027	Civil Case Information Sheet			02/07/2017	1	Add to Basket

Image No.	Title	[Reset Sort]	Post Jdgm	Date	Pages	Add Entire Case 
->  73753029	Civil Process Request			02/07/2017	1	Add to Basket 

[WS5]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EUGENIA MILEYKOVSKAYA

Plaintiff,

v.

DAVID R. DUNCAN and
DENOS TRUCKING, LLC

Defendants.

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Civ. A. No.: 4:17-cv-1531

LIST OF COUNSEL

Pursuant to Local Rule 81, listed below are all counsel of record:

Aaron M. Pool
Texas Bar No.: 16115400
S.D. Tex. Bar No.: 12920
Attorney-in-Charge

Robert E. Freehill
Texas Bar No.: 24069023
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**ATTORNEYS FOR DEFENDANTS
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bjensen@bjensenlaw.com

**ATTORNEY FOR PLAINTIFF
EUGENIA MILEYKOVSKAYA**